REMARKS

Upon entry of this Response, claims 1-20 remain pending in the present patent application. Claims 1, 7, 13, and 17 have been amended. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

In item 2 of the Office Action, claims 1, 2, 4-9, and 11-20 have been rejected under 35 U.S.C. §102b as being anticipated by U.S. Patent 6,012,087 issued to Freivald (hereafter "Freivald"). Anticipation under §102 "requires the disclosure in a single prior art reference of each element of the claim under construction. W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983). In view of the amendments to independent claims 1, 7, 13, and 17, Applicant asserts that the Freivald fails to show or suggest each of the elements incorporated therein. Also, Applicant asserts that Freivald fails to show or suggest each of the elements of claims 2, 4-6, 8-9, 11-12, 14-16, and 18-20 as depending from claims 1, 7, 13, or 17, respectively. Accordingly, Applicant requests that the rejection of claims 1, 2, 4-9, and 11-20 be withdrawn.

To begin, claim 1 has been amended to recite as follows:

1.   A network update tracking system in a server, comprising:
        a processor circuit having a processor and a memory;
        a list of variables, tags, or attributes stored in a database;
        update detection logic stored on the memory and executable by the processor, the update detection logic comprising:
                logic that detects a number of updates to portions of a corresponding number of network sites, the portions being unassociated with one of the variables, tags, or attributes; and
                logic that generates an update report to be sent to a client via a network, the update report listing at least one of the updates.

As set forth above, claim 1 has been amended so as to include a list of variables, tags, or attributes that are stored in a database and, the logic that detects the number of updates in a corresponding number of network sites detects the updates in portions of the network sites. The portions within which updates are detected are those that are not associated with one of the variables, tags, or attributes stored in the database.

In this respect, updates of web sites are only detected if they are not related to specific types of variables, tags, or attributes that are stored in the database. In this respect, the variables, tags, or the attributes may be employed as a filter to

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prevent the detecting of updates to web sites that occur due to dynamic content such as advertisements or other such items that represent updates about which users may not wish to be informed.

In contrast, Freivald generally discusses storing multiple signatures generated from web pages that are compared with current generated signatures to detect whether updates have occurred to web pages. Freivald fails to show or suggest update detection that avoids detection of updates due to dynamic content as set forth by the present claims. In this respect, the present invention provides a more effective approach to detecting updates to websites without updates being detected due to dynamic content such as advertisements in websites.

Accordingly, in view of the amendments to claim 1, Applicant requests that the rejection of claim 1 be withdrawn. In addition, Applicant requests that the rejection of claims 7, 13, and 17 withdrawn to the extent that they detect updates to portions of network sites, where the portions are not associated with the variables, tags, or attributes stored in a database as set forth. In addition, Applicant requests that the rejection of claims 2, 4-6, 8-9, 11-12, 14-16, and 18-20 as depending from amended claims 1, 7, 13, or 17.

In addition, in item 8 of the Office Action, claims 3 and 10 have been rejected under 35 U.S.C. §103a as being unpatentable over Freivald. A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). Applicant notes that claims 3 and 10 depend from claims 1 and 7 as amended herein. Accordingly, Applicant asserts that Freivald fails to show or suggest each of the elements of claims 3 and 10 as depending from claims 1 and 7, respectively, for the reasons described above. Accordingly, Applicant requests that the rejection of claims 3 and 10 be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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